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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,289	12/31/2003	Greg Gillis	29105.00	9185
22465	7590	08/06/2004	EXAMINER	
PITTS AND BRITTIAN P C P O BOX 51295 KNOXVILLE, TN 37950-1295			GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	
DATE MAILED: 08/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/750,289

**Applicant(s)**

GILLIS ET AL.

**Examiner**

Bethany L. Griles

**Art Unit**

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/31/03.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0803</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by So US6474269.

3. Regarding claims 1,6, 8, 11, 14, 17, So discloses a transmitting unit 10, a receiver 50, a processor 90, a speaker 67, a switch array 13, 14, 15, 16, a transformer T1, at least one electrode 68, 69 located proximal to the animal, whereby the animal is stimulated by the electrode when the electrode is energized by the transformer T1.

4. Regarding claim 2, So discloses that the pulse streams have a fixed pulse width, frequency, and amplitude (col 6, lines 54-61).

5. Regarding claim 3, So discloses that the processor 90 connects to a plurality of switches 13, 14, 15, 16 forming a switch array, each of said switches forcing a specified current through the transformer T1.

6. Regarding claims 4, 15, 16, 18, 19, 23, and 28, So discloses the processor 90 monitors the receiver 50 for coded signal, verifies identification code, determines whether a beep or shock should be generated, and generates a plurality of pulse streams (please refer to flow chart of Figure 4, and col 6, lines 20-24).

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7. Regarding claim 5, So discloses the transmitting unit 10 includes a beep switch, a shock switch, and a stimulation level switch (col 4, lines 23-33).

8. Regarding claims 7,10, 13, 22, 26, So discloses that the processor 90 determines whether a beep is to be generated and further including a speaker producing a beep said speaker 67 controlled by said processor (col 6,lines 50-53).

9. Regarding claims 9 and 12, So discloses the means for producing electrical stimulation includes a varying current flowing through a transformer T1 (refer to flow chart in Figure 6).

10. Regarding claims 20 and 21, 25, So discloses determining current level corresponding to said stimulation level code, generating at least on input pulse stream, applying at least one input pulse stream, applying at least one input pulse stream to a switch array, and producing a stimulation pulse stream form at least one input pulse stream (refer to col 8, line 58-col 9, line 5).

11. Regarding claims 24 and 27, So discloses that the coded signal includes a stimulation type code (col 5, lines 21-24).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boesch et al. US6748902 ; Farkus US5054428 ; Kim et al. US5605116; Christiansen US5815077; Brown US6311645; Williams US6360697; Lee, IV US6637376.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
blg

Bethany L. Griles  
Examiner  
Art Unit 3643

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600  
8/14/04